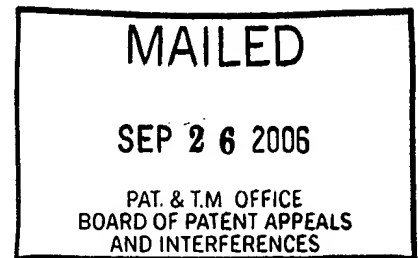


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte JIGISH D. TRIVEDI

Application 08/915,658



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on August 25, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

September 6, 2005, appellant filed Appeal Brief. A review of the file reveals that the “Summary of Claimed Subject Matter” does not map the independent claims to specification as set forth in 37 CFR § 41.37(c)(1)(v) which states:

(v) *Summary of claimed subject matter.* A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. § 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

Proper correction of the Appeal Brief is required.

In addition, the Examiner’s Answer mailed April 10, 2006, is not in compliance with the requirements of 37 CFR § 41.37. The following heading needs to be included in accordance with MPEP § 1207.02:

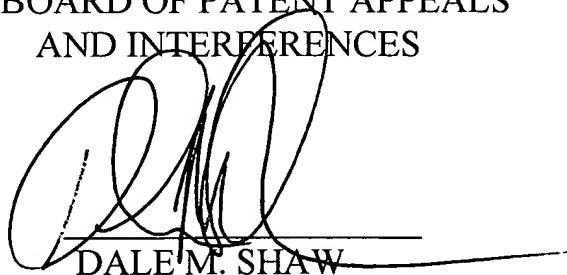
“Related Proceedings Appendix” – Copies of any decisions rendered by a court or the Board in any proceeding identified by the examiner in the “Related Appeals and Interference” section of the answer.

A revised Examiner's Answer that is in compliance with 37 CFR § 41.37 is required.

Accordingly, it is ORDERED that the application is return to the Examiner to:

- 1) hold the Appeal Brief filed on September 6, 2005, defective;
- 2) notify appellant to file a supplemental Appeal Brief compliance with 37 CFR § 41.37;
- 3) if necessary, vacate the Examiner Answer mailed on April 10, 2006, in response to the supplemental Appeal Brief, and submit a revised Examiner's Answer in accordance with the new rules effective September 13, 2004; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

A large, stylized handwritten signature in black ink, appearing to read 'D. Shaw', is written over a horizontal line.

DALE M. SHAW

Deputy Chief Appeals Administrator
(571)272-9797

Application 08/915,658

DMS:pgc

cc: Dinsmore & Shohl LLP
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